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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 STEVEN D. STEIN

12 Plaintiff,

13 v.

14 TRI-CITY HEALTHCARE  
15 DISTRICT, a California healthcare  
16 district, LARRY B. ANDERSON an  
17 individual

18 Defendants.  
19

Case No. 3:12 CV 2524 BTM BGS

**ORDER GRANTING DEFENDANTS'  
MOTION TO STAY**

Complaint Filed: June 4, 2013  
Trial Date: Stayed

20 On February 20, 2014, Defendant Tri-City Healthcare District ("Tri-City")  
21 filed an ex parte application to stay the entire action and all discovery pending its  
22 appeal of the Court's denial of Tri-City's special motion to strike Plaintiff's 13<sup>th</sup> and  
23 14<sup>th</sup> claims for relief contained in the first amended complaint (Docket No. 122).  
24 Without prejudice, the Court denied the ex parte application and set a briefing  
25 schedule to consider Tri-City's Motion to Stay. (Docket No. 124.) On March 4,  
26  
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1 2014, Defendant Larry Anderson filed a notice of joinder in Tri-City's motion to  
2 stay. (Docket No. 131.)  
3

4 After briefing from all parties, the motion to stay came on for hearing before  
5 this Court at 2:00 p.m. on March 18, 2014. All parties were represented by counsel  
6 at the hearing and provided the opportunity to make oral argument. After  
7 considering all matters submitted by the parties and all oral argument, the Court  
8 GRANTS Defendants' motion to stay.  
9

10 An appeal divests the Court of jurisdiction over the matters on appeal. *Griggs*  
11 *v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). The Court also has  
12 the inherent power to issue a discretionary stay of proceedings pending a collateral  
13 appeal, where a stay would prevent hardship or inequity, and promote the orderly  
14 course of justice measured in terms of simplifying of issues, proof, and questions of  
15 law. *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005). For these  
16 reasons, the Court grants Defendants' motion to stay as follows:  
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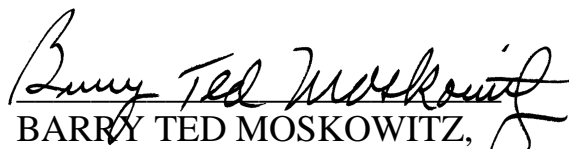
20 1. The July 21, 2014 trial date and July 9, 2014 pretrial conference set by  
21 the First Amended Case Management Conference Order (Docket No. 113) are  
22 vacated and will be set after resolution of Defendants' appeal of the Order Denying  
23 Defendants' Special Motions to Strike (Docket No. 110) ("Defendants' Appeal").  
24 The dates set for trial, the pretrial conference, and the dates related to the pretrial  
25 conference are hereby vacated pending resolution of the Appeal.  
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1           2.     All proceedings and discovery explicitly related to Plaintiff's 13<sup>th</sup> and  
2     14<sup>th</sup> claims for relief alleged in the first amended complaint are stayed until  
3  
4     Defendants' Appeal is resolved.

5           3.     All other discovery and pretrial motions scheduled in the March 25,  
6     2014 Second Amended Case Management Conference Order (Docket No. 145) or  
7  
8     already scheduled by this Court, except as modified by paragraphs 1 and 2 of this  
9     Order, shall proceed as currently scheduled.

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11     **IT IS SO ORDERED.**

12     Dated: April 18, 2014

  
BARRY TED MOSKOWITZ,  
Chief Judge, United States District Court